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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,199	10/28/2003	Andrew Valencia	062891.1179	4522

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EXAMINER	
NG, CHRISTINE Y	

ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
06/28/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/695,199	VALENCIA, ANDREW	
	Examiner	Art Unit	
	Christine Ng	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7,8 and 19* is/are allowed.

6)☒ Claim(s) *1-6,9-18 and 20-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 10-18, 20 and 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,763,274 to Gilbert.

Referring to claims 1, 11, 16 and 26, Gilbert discloses in Figure 3 a device for processing packets in network, comprising:

A receiver (means to perform step 300) operable to receive a packet flow, the packet flow including encoded information. Refer to Column 4, line 60 to Column 5, line 12.

A detector (means to perform steps 320 and 350) operable to determine if the encoded information in the packet flow includes a pause (longest silence is less than silence threshold). In steps 320 and 350, it is determined whether or not the longest silence in the data packet is greater than the silence threshold. A "pause" can be defined to be as when the length of the longest silence is less than the silence threshold. Refer to Column 5, line 13 to Column 6, line 45.

A processor (means to perform steps 330, 355 and 370) operable to adjust fragmentation of packets in the packet flow according to whether the encoded information in the packet flow includes the pause. If the flow contains a pause (longest

silence is less than silence threshold), the data packet is played (step 370). If the flow does not contain a pause (longest silence is greater than silence threshold), the silence samples are removed (step 330) or the silence samples are replicated (step 355). Removing silence samples and replicating silence samples reads on "fragmentation" since it changes the data packet format. Refer to Column 5, line 13 to Column 6, line 45.

Referring to claim 2, Gilbert discloses in Figure 3 that the method will not perform fragmentation of the packet flow in response to the encoded information in the packet flow including the pause. If the flow contains a pause (longest silence is less than silence threshold), the data packet is played (step 370). There is no fragmentation since the silence samples are not removed (step 330) nor replicated (step 355). Refer to Column 5, line 13 to Column 6, line 45.

Referring to claims 3, 12, 17 and 27, Gilbert discloses performing fragmentation of packets in the packet flow in response to the encoded information in the packet flow not including the pause. If the flow does not contain a pause (longest silence is greater than silence threshold), the silence samples are removed (step 330) or the silence samples are replicated (step 355). Refer to Column 5, line 13 to Column 6, line 45.

Referring to claims 4, 13, 18 and 28, Gilbert discloses in Figure 3 fragmenting those packets of the packet flow that exceed a predetermined size (length of longest silence in data packet is greater than the silence threshold). Refer to Column 5, line 13 to Column 6, line 45.

Referring to claims 5, 15 and 30, Gilbert discloses in Figure 3 that the predetermined state size is associated with a different packet flow. The silence threshold is defined as the percentage of a packet that must be a run of silence before silence samples are removed; a value of 25 is used. However, "other values as well as non-percentage values can also be used", thereby implying that the silent threshold can be based on other packet flows. Refer to Column 5, lines 49-60.

Referring to claim 6, Gilbert discloses in Figure 3 that the receiver receives a plurality of packet flows, each of the plurality of packet flows including encoded information, the detector is operable to determine if the encoded information of each of the packet flows includes a pause, and the processor is operable to adjust fragmentation of each of the plurality of packet flows according to whether any of the packet flows includes the pause. Refer to the rejection of claims 1, 11, 16 and 26.

Referring to claims 10 and 20, Gilbert discloses in Figure 3 determining whether the packet flow includes the pause in response to a receipt frequency of packets in the packet flow. The first step in determining (step 305) whether the packet flow includes the pause is establishing a timing relationship between time stamps for consecutive audio data packets and a run time for an audio data packet. Refer to Column 5, lines 13-34.

Referring to claims 14 and 29, Gilbert discloses in Figure 3 that the predetermined size is associated with a state characteristic of the packet flow. The silence threshold is defined as the percentage of a packet that must be a run of silence before silence samples are removed; a value of 25 is used. However, "other values as

well as non-percentage values can also be used", thereby implying that the silent threshold can be based on any packet flow, including itself. Refer to Column 5, lines 49-60.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,763,274 to Gilbert in view of U.S. Patent No. 6,804,251 to Limb et al.

Referring to claim 9, Gilbert does not disclose that a packet of the packet flow indicates whether the packet flow includes the pause.

Limb et al disclose in Figure 6 voice packets 600 with a voice header 640 that includes a silence flag 610 indicating whether the voice packet contains voice data, or is silent. The presence of the silence flag 610 allows the system to monitor the voice channels for periods wherein the voice packets 600 contain no voice data and reallocate bandwidth accordingly, which is known as silence suppression. Refer to Column 10, lines 39 to Column 11, line 10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that a packet of the packet flow indicates whether the packet flow includes the pause. One

would have been motivated to do so in order for the system to execute silence suppression, thereby saving bandwidth.

Referring to claim 21, Gilbert discloses a system for processing packets in a network, comprising:

A sender (Figure 2, sending device 210).

A linking device (Figure 2, between sending device 210 and receiving device 220 or 230) operable to receive the packet flow from the sender, the linking device operable to adjust fragmentation of packets in the packet flow according to whether the information in the packet flow includes the pause. Refer to the rejection of claims 1, 11, 16 and 26.

A receiver (Figure 2, receiving device 220 or 230) operable to receive the packet flow from the linking device. Refer to the rejection of claims 1, 11, 16 and 26.

Gilbert does not disclose that the sender is operable to place information in packets of a packet flow, the sender operable to provide an indication as to whether the information in the packet flow includes a pause.

Limb et al disclose in Figure 6 voice packets that are sent by a sender across a voice channel. Each voice packet 600 is appended with a voice header 640 prior to transport. The voice header 640 includes a silence flag 610 that indicates whether the voice packet contains voice data, or is silent. The presence of the silence flag 610 allows the system to monitor the voice channels for periods wherein the voice packets 600 contain no voice data and reallocate bandwidth accordingly, which is known as silence suppression. Refer to Column 10, lines 39 to Column 11, line 10. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the sender is operable to place information in packets of a packet flow, the sender operable to provide an indication as to whether the information in the packet flow includes a pause. One would have been motivated to do so in order for the system to execute silence suppression, thereby saving bandwidth.

Referring to claim 22, Fitzgerald does not disclose that the sender is operable to identify the pause in the information. Refer to the rejection of claim 21.

Referring to claim 23, Gilbert discloses in Figure 3 that the sender is operable to classify the pause identified in the information. The pause is classified (steps 320 and 350) according to whether or not a longest silence in the data packet is greater than a silence threshold. Refer to Column 5, line 13 to Column 6, line 45.

Referring to claim 24, Gilbert discloses in Figure 3 that the pause is classified according to whether one or more predefined limits (silence threshold) are exceeded. The pause is classified (steps 320 and 350) according to whether or not a longest silence in the data packet is greater than a silence threshold. Refer to Column 5, line 13 to Column 6, line 45.

Referring to claim 25, Gilbert does not disclose that the sender is operable to adjust one or more bits a packet in the packet flow to indicate a presence and a classification of the pause.

Limb et al disclose in Figure 6 voice packets 600 with a voice header 640 that includes a silence flag 610 indicating whether the voice packet contains voice data, or is silent. The presence of the silence flag 610 allows the system to monitor the voice

channels for periods wherein the voice packets 600 contain no voice data and reallocate bandwidth accordingly, which is known as silence suppression. Refer to Column 10, lines 39 to Column 11, line 10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the sender is operable to adjust one or more bits a packet in the packet flow to indicate a presence and a classification of the pause. One would have been motivated to do so in order for the system to execute silence suppression, thereby saving bandwidth.

Allowable Subject Matter

5. Claims 7, 8 and 19 are allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. Ng
June 18, 2007

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